

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS Anchorage 10/29/19
REFUSED FOR FILING

Andrew Dayton, Pro Se

Plaintiff,

vs.

Department Of Corrections
Alaska Parole Board
Probation Officer Jenelle Moore
Defendant

Case No. 4FA-18-02965 CI
Inconnection with 4FA-S98-02438 CR

Motion To Transcribe Two Sentencing Tapes

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court

I Andrew Dayton filed petition for review excessive sentence A-13466 which is now pending. I could not get hold of Attorney Justin Racette in Fairbanks who suppose be representing my appeal although I tried calling him. Copy of this motion will be mailed to him. I received a tape recording of my oral sentencing of April 5, 2000 and also tape of parole revocation May 14, 2019. Due to my serious hearing loss I cannot hear clearly the recordings of sentencing which I base my two appeals upon. The State will not send transcribing of these two tapes of my oral sentencing of April 5, 2000 and parole revocation hearing on May 14, 2019. Portion of oral sentencing was provided which clearly States no sex program ordered and also states "again on the presumptive there is no probation" my argument was based upon these factors of my being illegally held in custody.

C.C. D. Moody
T. delucia
The Public Defender Agency
was assigned to represent you
on 9/12/19, Under Appellate
Rule 518(b), your attorney
must file documents on your
behalf.
Case No. A-13466
Ryan Montgomery

Chief Deputy Clerk
OCT 09 2019
APPELLATE COURTS
STATE OF ALASKA
OCT 10 2019
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STATE OF ALASKA

1 I filed my petition pro se and that I am "indigent" and provided
2 sworn statement to the fact. I ask this court to grant me right to
3 have my April 5, 2000 oral sentencing and my May 14, 2019 sentencing
4 to be transcribed to clearly review my argument toward my being
5 illegally held in jail over long period of time which sentencing
6 is clearly illegal. Appeal No A-13466 and 4FA-98-02438 ER sentence.
7 My main argument in my post-conviction-relief 4FA-18-02965 CI is
8 also based around illegal sentence. The court on April 5, 2000 oral
9 sentencing clearly state "on presumptive sentencing there is no
10 probation magistrate judge at the time Jane F. Kauvar suspended 3 years
11 from the sexual assault charge and 2 years from the burglary charge
12 which I see as probation for 5 years there was no 10 year probation
13 ordered at the oral sentencing of April 5, 2000 this 10 year probation
14 was later applied in the judgment of August 24, 2000 five months after
15 my oral sentencing of April 5, 2000, same with the parole conditions
16 which lead to my being illegally held in custody that's my reason for
17 asking these 2 sentencing tapes to be transcribed to point out to the
18 court why my sentencing is illegal. I ask this court to grant the
19 transcribing. Oral sentence of April 5, 2000 clearly state also there
20 is no sex treatment ordered as added conditions of parole and placed
21 illegally back in jail increasing my original sentence.

21 Date this 7th Day of October 2019.

Signed Andrew Dayton
Andrew Dayton #1929
Goose Creek Corr'L Center
22301 West Alsop Road
Wasilla, Alaska 99623

24 I certify copy of this document was mailed
25 to the following,

26 Tamara DeLucia
1031 4th Ave., Suite 200
Anchorage, Alaska 99501-1994
District Attorney's Office
510 2nd Ave., Suite 200
Fairbanks, Alaska 99701

Justin Racette
Public Defender Agency
529 5th Ave., Suite 1
Fairbanks, Alaska 99701

October 7, 2019 A.D.
Andrew Dayton #1929

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I Andrew Dayton #1929 ask this court to grant transcribing two sentencing tapes involving argument based around illegal sentence. I filed my motions pro se and based on my being indigent and cannot afford to pay for transcribing.

☐ Transcribing at public expense is granted

☐ Transcribing at public expense is denied

Dated at Anchorage, Alaska, this _____ Day of _____ 2019

Court Of Appeal Judge